

WEDNESDAY, MAY 24, 2000

EIGHTY-FIRST LEGISLATIVE DAY

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative McAfee.

Representative McAfee led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Lewis; personal reasons.

Representative Odom; business reasons.

Representative Rhinehart; illness.

Representative Sharp; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 242: Rep(s). Goins, Langster and Tindell as prime sponsor(s).

House Joint Resolution No. 763: Rep(s). Garrett and Bone as prime sponsor(s).

House Joint Resolution No. 764: Rep(s). Bone as prime sponsor(s).

House Joint Resolution No. 783: Rep(s). Hood as prime sponsor(s).

House Bill No. 2117: Rep(s). Langster, Boyer, Hargrove, Sands, White, Kent, Cole (Carter), Pinion and Sargent as prime sponsor(s).

House Bill No. 2296: Rep(s). Davis (Cocke), Whitson, Boyer and Roach as prime sponsor(s).

MESSAGE FROM THE GOVERNOR

May 23, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 692, 693, 694, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 708, 709, 710, 711, 712, 714, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 744, 745, 747, 748, 749, 750, 751, 752, 753, 754 and 755 with his approval.

MICHELLE LONG, Counsel to the Governor.

MESSAGE FROM THE GOVERNOR

May 23, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2140, 2256, 2318, 2367, 2423, 2472, 2650, 2655, 2914, 2917, 2919, 2921, 3014, 3048, 3318 and 3321, with his approval.

MICHELLE LONG, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 23, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 881, 2087, 2090, 2171, 2260, 2349, 2381, 2850, 2971, 3152, 3237, 3301, 3302, 3303, 3308, 3309; also, Senate Joint Resolution(s) No(s). 824, 836, 837, 838, 839, 840, 841, 843, 844, 846, 848, 850, 851, 852, 853 and 854 for the signature of the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

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**SIGNED
May 23, 2000**

The Speaker signed the following: Senate Bill(s) No(s). 881, 2087, 2090, 2171, 2260, 2349, 2381, 2850, 2971, 3152, 3237, 3301, 3302, 3303, 3308, 3309; also, Senate Joint Resolution(s) No(s). 824, 836, 837, 838, 839, 840, 841, 843, 844, 846, 848, 850, 851, 852, 853 and 854.

**ENROLLED BILLS
May 23, 2000**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2478, 2503, 2713, 2811, 2916; House Joint Resolution(s) No(s). 707; also, House Resolution(s) No(s). 228, 229, and 241.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED
May 23, 2000**

The Speaker signed the following: House Bill(s) No(s). 2478, 2503, 2713, 2811, 2916; House Joint Resolution(s) No(s). 707; also, House Resolution(s) No(s). 228, 229 and 241.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 23, 2000**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2478, 2503, 2713, 2811, 2916; also, House Joint Resolution(s) No(s). 707; signed by the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK
May 23, 2000**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2478, 2503, 2713, 2811, 2916; also, House Joint Resolution(s) No(s). 707.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

RESOLUTIONS REFERRED
May 24, 2000

Pursuant to **Rule No. 44**, the following resolution(s) was/were referred to the following Committee(s):

***House Joint Resolution No. 786** -- Memorials, Government Officials - Urges department of education, state board of education, and local school boards to implement curriculum of flag history, etiquette and customs pertaining to display and use of flag. by *Sands, *Fitzhugh, *Curtiss, *Maddox.

House Finance, Ways and Means Committee

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep. Hood was recognized in the Well with Reps. Eckles and Beavers to introduce Mr. and Mrs. Jennings Jones for remarks.

RESOLUTION READ

The Clerk read House Joint Resolution No. 660 honoring Mr. and Mrs. Jones for their contributions to the Murfreesboro and Rutherford County communities.

House Joint Resolution No. 660 -- Memorials, Recognition - The Jennings A. Jones College of Business. by *Hood, *Williams (Williamson), *Fraley, *Sands, *Fowlkes, *Eckles, *Beavers.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 772 -- Naming and Designating - "Murfreesboro Police Day," May 21, 2000. by *Eckles, *Hood.

House Calendar and Rules Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 25, 2000:

House Resolution No. 243 -- Memorials, Interns - Javin Cripps. by *Phillips, *Fitzhugh, *Miller L.

House Resolution No. 244 -- Memorials, Interns - Ricky Burchfield. by *Phillips, *Fitzhugh, *Miller L.

House Resolution No. 245 -- Memorials, Academic Achievement - Farazi Winbush. by *Brooks.

House Resolution No. 246 -- Memorials, Personal Occasion - William Barrington, 50th birthday. by *Bittle.

House Resolution No. 247 -- Memorials, Interns - Elizabeth Ann Gentzler. by *Givens.

House Resolution No. 248 -- Memorials, Interns - Krista Thornton. by *Kisber, *Cole (Dyer), *Head.

House Resolution No. 249 -- Memorials, Interns - Ali Negahban. by *Armstrong, *Tindell.

House Joint Resolution No. 773 -- Memorials, Public Service - Dan Story. by *McCord, *Kerr.

House Joint Resolution No. 774 -- Memorials, Heroism - Sergeant Tim Hunt. by *McCord, *Kerr.

House Joint Resolution No. 775 -- Memorials, Interns - Rebecca Ann Antrican. by *Naifeh.

House Joint Resolution No. 776 -- Memorials, Interns - Clayton Thomas Matthews. by *Naifeh.

House Joint Resolution No. 777 -- Memorials, Interns - Joe Tam Lung. by *Kernell, *Garrett, *Brooks.

House Joint Resolution No. 778 -- Memorials, Interns - Allyson Carroll. by *Kernell, *Garrett, *Brooks.

House Joint Resolution No. 780 -- Memorials, Academic Achievement - Ryan Kyle Johnson, Salutatorian, Union County High School. by *Goins.

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House Joint Resolution No. 781 -- Memorials, Recognition - Reverend Billy Graham and Graham crusade team. by *Goins.

House Joint Resolution No. 782 -- Memorials, Sports - Nick Yatsula, Houston High School football and track and field star. by *Scroggs.

House Joint Resolution No. 784 -- Memorials, Public Service - Stephanie Shackelford. by *McDaniel, *Hargett, *Black, *Hassell, *Pleasant, *Bittle, *Boyer, *Ford S, *Newton, *McKee, *Davis (Washington), *Cole (Carter), *Gunnels, *Wood, *Scroggs, *Dunn, *Walker (Rhea), *McAfee, *Montgomery, *Hagood, *Mumpower, *Westmoreland, *Godsey, *Harwell, *Walley, *Buttry, *Roach, *McCord, *Patton, *Kent, *Todd, *Baird, *Goins, *Beavers, *Davis (Cocke), *Whitson, *Sargent, *Kerr, *Bunch.

House Joint Resolution No. 785 -- Memorials, Interns - Jennifer Raulie. by *McDaniel, *Hargett, *Pleasant, *Boyer, *Ford S.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 720** -- Memorials, Congress - Urges that China not be admitted to the World Trade Organization. by *Springer, P, *Dixon, *Crowe, *Burchett, *Davis L, *Fowler, *Henry, *Person, *Williams.

House Finance, Ways and Means Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3357 -- Harriman - Subject to local approval, establishes Roane Medical Center Hospital Authority. by *Ferguson.

House Bill No. 3358 -- Jonesborough - Subject to local approval, authorizes board of mayor and aldermen to levy and collect fees for street lighting through establishment of special improvement districts. Amends Chapter 135 of the Acts of 1903. by *Patton.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3359 and 3360, was/were referred to the Delayed Bills Committee.

***House Bill No. 3359** -- Education - Authorizes expansion of city school board from five to seven members in Union City. Amends TCA Section 6-36-101; Section 6-36-103 and Section 6-36-106. by *Pinion. (SB3347 by *Herron)

***House Bill No. 3360** -- Comptroller, State - Clarifies audit authority of the comptroller of the treasury. Amends TCA Title 8, Chapter 4. by *Kisber.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 37 -- Pensions and Retirement Benefits - Corrects "council on pensions and retirement" to "council on pensions and insurance." Amends TCA Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36; Title 8, Chapter 37. by *Atchley, *McNally. (*HB25 by *Rhinehart, *Head)

***Senate Bill No. 102** -- Sunset Laws - Board of dispensing opticians, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 14. by *Springer, P, *Person. (HB351 by *Kernell, *Garrett, *Brooks)

Senate Bill No. 1271 -- Administrative Procedure - Authorizes government operations committees to suspend effectiveness of rules already in effect. Amends TCA Title 4, Chapter 5. by *Springer, P. (*HB899 by *Kernell)

***Senate Bill No. 2040** -- Administrative Procedure - Extends agency rules set to expire under provisions of UAPA. by *Springer, P. (HB2054 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 2124** -- Teachers, Principals and School Personnel - Allows retired teachers to resume teaching without loss of benefits under certain conditions. Amends TCA Title 8, Chapter 36, Part 8 and Title 49, Chapter 5. by *Womack, *Burks, *Crowe, *Graves. (HB2737 by *Davidson, *Hargrove, *Jones, S., *Fitzhugh, *Maddox, *McDonald, *Cooper B, *West, *Langster, *Bunch)

Senate Bill No. 3080 -- Alcoholic Offenses - Creates offense for motor vehicle passenger to possess open alcoholic beverage container Amends TCA 55-10-416. by *McNally. (*HB3008 by *Newton)

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 23, 2000**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 25, 2000**: House Bill(s) No(s). 2716.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 3162, 2677, House Joint Resolution(s) No(s). 666, also House Bill(s) No(s). 1192 and 2189 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 899 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSENT CALENDAR

House Resolution No. 230 -- Memorials, Interns - Vakeita Terese Barrett. by *Turner (Shelby), *Miller L.

House Resolution No. 231 -- Memorials, Sports - Joey Chiolo, Bradley Central High School wrestling star. by *Bunch, *Newton.

House Resolution No. 232 -- Memorials, Sports - Bradley Central High School star wrestler Matt Keller. by *Bunch, *Newton.

House Resolution No. 233 -- Memorials, Sports - Rusty Blackmon, Bradley Central High School star wrestler. by *Bunch, *Newton.

House Resolution No. 234 -- Memorials, Sports - Bradley Central High School wrestling star Alan Morris. by *Bunch, *Newton.

House Resolution No. 235 -- Memorials, Sports - 1999 Bradley Central High School wrestling team TSSAA state dual meet champion. by *Bunch, *Newton.

House Resolution No. 236 -- Memorials, Sports - 2000 Bradley Central High School wrestling team, TSSAA state dual meet runner-up. by *Bunch, *Newton.

House Resolution No. 237 -- Memorials, Sports - Adam Rains. by *Bunch, *Newton.

House Resolution No. 238 -- Memorials, Sports - Bradley Central High School wrestling star Josh Keller. by *Bunch, *Newton.

House Resolution No. 239 -- Memorials, Sports - Delana Burseson, star volleyball player. by *White.

House Resolution No. 240 -- Memorials, Recognition - Dwight Lewis. by *Brown.

House Resolution No. 242 -- Memorials, Interns - Deneil Marie Quinn. by *Jones U (Shelby).

House Joint Resolution No. 763 -- Memorials, Professional Achievement - Martha A. Burton, Metropolitan Nashville Public School System 2000-2001 Teacher of the Year. by *West.

House Joint Resolution No. 764 -- Memorials, Personal Occasion - Dr. and Mrs. Roderick N. Burton, 30th anniversary. by *West.

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House Joint Resolution No. 765 -- Memorials, Interns - Jackie "Pepper" Petersen. by *Brooks.

House Joint Resolution No. 766 -- Memorials, Personal Occasion - Nannie Mae Smith Sisk, 90th birthday. by *Fraleay.

House Joint Resolution No. 767 -- Memorials, Sports - 1999-2000 Lebanon High School boys' basketball team. by *Bone.

House Joint Resolution No. 769 -- Memorials, Interns - Joseph Landon Jaynes. by *Hood, *Bone, *Sands.

House Joint Resolution No. 770 -- Memorials, Death - Reverend Taylor Haun. by *Davis (Cocke), *Whitson.

House Joint Resolution No. 771 -- Memorials, Public Service - Fred Clark. by *Winningham, *Buck.

Senate Joint Resolution No. 857 -- Memorials, Interns - Amanda Jones. by *Burchett.

Senate Joint Resolution No. 858 -- Memorials, Interns - Jeffery Lloyd Osgood, Jr. by *Kurita.

Senate Joint Resolution No. 862 -- Memorials, Academic Achievement - Kimberly Rhodes, Salutatorian, Kingsbury High School. by *Kyle.

Senate Joint Resolution No. 863 -- Memorials, Academic Achievement - Angela Brown, Valedictorian, Trezevant High School. by *Kyle.

Senate Joint Resolution No. 864 -- Memorials, Academic Achievement - Fatima El-fayed, Valedictorian, Kingsbury High School. by *Kyle.

Senate Joint Resolution No. 869 -- Memorials, Retirement - Billy H. Thompson. by *Miller J.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

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Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 2117** -- Firearms and Ammunition - Expands circumstances under which law enforcement officer may carry weapons. Amends TCA Title 39, Chapter 17, Part 13, by *Buck, *Hargett, *Godsey, *Windle, *Todd, *Pleasant, *Sharp, *Black, *Patton, *Dunn, *Bittle. (SB2587 by *Burks)

Further consideration of House Bill No. 2117 previously considered on May 11, 2000, May 15, 2000 and May 17, 2000, at which time it was reset for today's Calendar.

Rep. Buck requested that House Bill No. 2117 be moved to the heel of the Calendar.

***Senate Bill No. 2738** -- Financial Disclosure - Deletes maximum aggregate contribution limit of 50 percent of total contributions for offices elected by statewide elections and \$75,000 in aggregate for any other state or local public office which candidates may accept from multicandidate political campaign committees for each election. Amends TCA Title 2, Chapter 10, by *Rochelle. (HB3067 by *Kisber)

Further consideration of Senate Bill No. 2738 previously considered on May 15, 2000 at which time the House was on the motion to adopt Amendment(s) No(s). 1 and May 17, 2000, at which time it was reset for today's Calendar.

Rep. Kisber moved that Senate Bill No. 2738 be reset for the Regular Calendar on May 31, 2000, which motion prevailed.

***House Joint Resolution No. 743** -- Memorials, Congress - Opposes proposed congressional increase to five years of moratorium on state and local sales and use taxation of electronic commerce. by *Bowers.

Further consideration of House Joint Resolution No. 743 previously considered on May 22, 2000, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Bowers moved adoption of House Joint Resolution No. 743.

Rep. Kisber moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 743 by deleting all language after the caption and by substituting instead the following:

WHEREAS, the several states and their local units must finance the costs of government from a base already heavily drawn upon through federal taxation; and

WHEREAS, federal encroachment on and limitation of the tax base available to states, including Tennessee, results in substantial hardship on persons and businesses in Tennessee and compounds the revenue crisis that Tennessee faces; and

WHEREAS, in 1997, the United States Congress imposed a moratorium on certain state and local taxes related to electronic commerce, which will not expire for another seventeen (17) months; and

WHEREAS, a number of bills before Congress, such as S. 1611, S. 2028, S. 2255, H.R. 3709, H.R. 4202, and H.R. 4267 would extend the moratorium and at the same time would remove an exemption from the moratorium granted a handful of states that collected taxes on Internet access prior to the 1997 act; and

WHEREAS, the proposal to extend the federal moratorium represents a further and continued direct encroachment on state sovereignty and the ability to provide adequate services to the citizens of Tennessee by limiting without justification the tax base available to fund those services; and

WHEREAS, a number of states, including Tennessee, are heavily dependent upon sales and use taxes to finance the cost of government and the state sales and use tax base has been declining relative to state personal income for many years. A new threat to this tax base is the expansion of remote sales through electronic commerce, which, according to a February, 2000 study by Dr. Donald Bruce and Dr. William F. Fox of the Center for Business and Economic Research at the University of Tennessee, is projected to cost the state of Tennessee almost three hundred million dollars (\$300,000,000) annually in lost revenue within three (3) years, and on a national level ten billion eight hundred million dollars (\$10,800,000,000) annually; and

WHEREAS, the proposal to extend the federal moratorium and to take away the existing ability of states such as Tennessee to continue to subject Internet access to the same sales and use tax requirements as other forms of business would create a new and unjustified tax exemption in Tennessee for the business of Internet access. This limitation would be particularly harmful to states such as Tennessee that rely heavily on their sales and use tax base; and

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WHEREAS, with the emergence of new forms of technology and the convergence of cable, telephony and the Internet, it will become more difficult to separate and segregate Internet access as a tax-exempt component; and

WHEREAS, Tennessee has recently experienced a revenue shortfall crisis, and, through intensive study by the executive and legislative branches, has been compelled to examine its options to make up or otherwise deal with the insufficiency in anticipated revenue; and

WHEREAS, the proposed action of Congress to extend the moratorium would be inadvisable in that it would preempt state action in an important part of the spectrum of available state tax bases. Such a further limitation of state sovereignty would compel states to seek alternatives with effects that are detrimental to their citizens; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That this General Assembly requests the United States Congress to refrain from any action that would extend the moratorium on state and local taxation related to electronic commerce and Internet access.

BE IT FURTHER RESOLVED, That appropriate copies of this resolution be sent to each member of the U. S. Congressional Delegation from Tennessee, to each member of Congress, the Speaker and Clerk of the U. S. House of Representatives, the President and Secretary of the U. S. Senate, and the presiding officer of each state legislative chamber.

On motion, Amendment No. 1 was adopted.

Rep. Bowers requested that House Joint Resolution No. 743 be moved to the heel of the Calendar.

House Bill No. 3343 – Kingston - Subject to local approval, allows non-resident property owners to vote in city election if residents of Roane County. Amends Chapter 328 of the Acts of 1903; as amended. by *Ferguson. (SB3330 by *Davis L)

Further consideration of House Bill No. 3343 previously considered on May 22, 2000, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Ferguson moved that **House Bill No. 3343** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes..... 79
Noes 8
Present and not voting 4

Representatives voting aye were: Armstrong, Baird, Bittle, Black, Bone, Bowers, Boyer, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Kent, Kernell, Kerr, Kisber, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Beavers, Brooks, Chumney, DeBerry J., Hagood, Jones U., Miller, Turner (Shelby) -- 8.

Representatives present and not voting were: Briley, Brown, Langster, Pruitt -- 4.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from yes to no on House Bill No. 3343 and have this statement entered in the Journal: Rep(s). Harwell.

REGULAR CALENDAR, CONTINUED

House Bill No. 2371 -- Bonding, Surety and Professional - Permits credit services businesses registered with department of commerce and insurance on 5/1/98, to post bond of \$10,000 instead of \$100,000. Amends TCA Section 47-18-1011. by *Towns. (*SB2046 by *Dixon)

Further consideration of House Bill No. 2371 previously considered on May 22, 2000, at which time it was reset for today's Calendar.

On motion, House Bill No. 2371 was made to conform with **Senate Bill No. 2046**; the Senate Bill was substituted for the House Bill.

Rep. Towns moved that Senate Bill No. 2046 be passed on third and final consideration.

Rep. Brooks moved the previous question, which motion prevailed.

Rep. Towns moved that **Senate Bill No. 2046** be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes.....	56
Noes	23
Present and not voting	8

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Bowers, Briley, Brooks, Brown, Buck, Buttry, Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Givens, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kerr, Kisber, Langster, McKee, McMillan, Miller, Montgomery, Patton, Phelan, Pleasant, Pruitt, Roach, Robinson, Scroggs, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walley, Williams, Winningham -- 56.

Representatives voting no were: Bone, Chumney, Cole (Carter), Davis (Washington), Fitzhugh, Godsey, Goins, Kent, Kernell, Maddox, McAfee, McCord, McDaniel, Mumpower, Pinion, Ridgeway, Rinks, Sands, West, Westmoreland, White, Wood, Mr. Speaker Naifeh -- 23.

Representatives present and not voting were: Boyer, Bunch, Caldwell, McDonald, Newton, Sargent, Todd, Walker -- 8.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from yes to no on Senate Bill No. 2046 and have this statement entered in the Journal: Rep(s). Hagood and Harwell.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2984** -- Municipal Government - Requires industrial development boards authorized to create pilot leaseholds and payments in lieu of ad valorem taxes to submit biannual reports to local governments that detail compliance or noncompliance with pilot lease agreement and subsequent impact of revenues generated thereby. Amends TCA Section 7-53-305. by *Towns. (SB3126 by *Kyle)

Further consideration of House Bill No. 2984 previously considered on May 22, 2000, at which time it was reset for today's Calendar.

Rep. Towns moved that **House Bill No. 2984** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	87
Noes	0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Pinion, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Winningham, Wood, Mr. Speaker Naifeh -- 87.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***House Bill No. 25** -- Pensions and Retirement Benefits - Corrects "council on pensions and retirement" to "council on pensions and insurance." Amends TCA Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36; Title 8, Chapter 37. by *Rhinehart, *Head. (SB37 by *Atchley, *McNally)

Further consideration of House Bill No. 25 previously considered on May 22, 2000, at which time it was reset for today's Calendar.

On motion, House Bill No. 25 was made to conform with **Senate Bill No. 37**; the Senate Bill was substituted for the House Bill.

Rep. Head moved that Senate Bill No. 37 be passed on third and final consideration.

On motion, Rep. Head withdrew Council on Pensions and Insurance Amendment No. 1.

Rep. Head moved that **Senate Bill No. 37** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 2296** -- Custody and Support - Establishes license suspension and revocation as enforcement mechanism to ensure compliance with custody visitation order; establishes procedures, notice, and hearings; sets licensure agency duties. Amends TCA Title 36, Chapter 6, by *Patton. (SB2645 by *Fowler)

Further consideration of House Bill No. 2296 previously considered on May 22, 2000, at which time it was reset for today's Calendar.

Rep. Patton moved that House Bill No. 2296 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2296 by adding the word "or" after the language "or industry," and before the words "to hunt" and by deleting the language "or to operate any motor vehicle or other conveyance," in the amendatory language of subitem (1) of Section 2.

AND FURTHER AMEND subitem (1) of Section 2 by adding the following after the language "applicable to such license;" :

"license" does not include a license to operate any motor vehicle or other conveyance;

AND FURTHER AMEND Section 2 by adding the word "or" after the language "or industry," and before the words "to hunt" and by deleting the language ", to operate any motor vehicle or other conveyance" in the amendatory language of subitem (2).

AND FURTHER AMEND Section 2 by deleting the word "including" and by substituting instead the word "excluding" before the words "the department of safety" in subitem (3).

AND FURTHER AMEND by deleting the number and punctuation "55," and the language "or to operate any motor vehicle or other conveyance," in Subsection 12(a); and by adding the word "or" after the language "or industry," and before the words "to hunt" in Subsection 12(a).

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2296 by deleting the words "and may seek any appropriate sanctions against such authority" at end of the only sentence in Section 8(d) of the bill.

On motion, Finance, Ways and Means Committee Amendment No. 2 was adopted.

Rep. Patton moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2296 Amend Section 6(a) to add the following phrase after the word "stay" and before the punctuation ",":

which stay shall be automatic upon the filing of a notice of appeal.

On motion, Amendment No. 3 was adopted.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. Patton moved that **House Bill No. 2296**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	80
Noes	7
Present and not voting	3

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones U., Kent, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Scroggs, Stulce, Tidwell, Tindell, Todd, Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 80.

WEDNESDAY, MAY 24, 2000 – EIGHTY-FIRST LEGISLATIVE DAY

Representatives voting no were: Armstrong, Brooks, Hagood, Harwell, Kernell, Towns, Turner (Shelby) -- 7.

Representatives present and not voting were: Brown, Bunch, Turner (Hamilton) -- 3.

A motion to reconsider was tabled.

***House Bill No. 2111** -- Limitation of Actions - Adds nonsuit to reversal and arrest as to situations when plaintiff may commence new action under certain circumstances. Amends TCA Section 28-1-105. by *Buck. (SB2889 by *Person)

Further consideration of House Bill No. 2111 previously considered on May 18, 2000 and May 22, 2000, at which time it was reset for today's Calendar.

Rep. Buck moved that House Bill No. 2111 be reset for the Regular Calendar on May 31, 2000, which motion prevailed.

***House Bill No. 3025** -- Parks, Natural Areas Preservation - Abolishes free use of state golf courses by senior citizens; ends free hunting and fishing for disabled persons; revokes discounted camping fees for state employees, disabled persons, and senior citizens; removes provision granting Tennessee national guard members same state park benefits that state employees receive Amends TCA Title 11, Chapter 3. by *McAfee. (SB3097 by *Ramsey)

Further consideration of House Bill No. 3025 previously considered on May 22, 2000, at which time the House adopted Amendment(s) No(s). 1 and reset the bill for today's Calendar.

Rep. McAfee moved that House Bill No. 3025, as amended, be passed on third and final consideration.

Rep. Rinks moved the previous question, which motion prevailed.

Rep. McAfee moved that **House Bill No. 3025**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	67
Noes	23
Present and not voting	2

Representatives voting aye were: Baird, Beavers, Bittle, Black, Bone, Boyer, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Cocke), Davis (Washington), Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Head, Kent, Kernell, Kerr, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Stulce, Tidwell, Todd, Walker, Walley, Westmoreland, Whitson, Williams, Wood -- 67.

Representatives voting no were: Armstrong, Arriola, Bowers, Briley, Brooks, Brown, Davidson, DeBerry L., Hargrove, Hood, Jackson, Kisber, Lewis, McMillan, Robinson, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Windle, Winningham -- 23.

Representatives present and not voting were: DeBerry J., Jones U. -- 2.

A motion to reconsider was tabled.

***House Bill No. 2117** -- Firearms and Ammunition - Expands circumstances under which law enforcement officer may carry weapons. Amends TCA Title 39, Chapter 17, Part 13. by *Buck, *Hargett, *Godsey, *Windle, *Todd, *Pleasant, *Sharp, *Black, *Patton, *Dunn, *Bittle. (SB2587 by *Burks)

Further consideration of House Bill No. 2117 previously considered on today's Calendar.

Rep. Buck moved that House Bill No. 2117 be passed on third and final consideration.

Rep. Buck requested that Judiciary Committee Amendment No. 1 be placed at the heel of the Amendments.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2117 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new appropriately designated section:

(a)(1) Notwithstanding any provision of law to the contrary, any law enforcement officer may carry firearms at all times and in all places within the state of Tennessee, on-duty or off-duty, regardless of the officer's regular duty hours or assignments, except as provided by subdivision (3), federal law, lawful orders of court or the written directives of the executive supervisor of the employing agency.

(2) The authority conferred by this section is expressly intended to and shall supersede restrictions placed upon law enforcement officers' authority to carry firearms by other sections within this part.

(3) The authority conferred by this section shall not extend to a law enforcement officer:

(A) Who is permitted by agency policy to carry a firearm while consuming beer or an alcoholic beverage or while under the influence of beer, an alcoholic beverage, or a controlled substance; or

(B) Who is not in the actual performance of such officer's duties and is within the confines of an establishment where beer or alcoholic beverages are served for consumption on the premises as the sole or primary product when the establishment is considered as a whole.

(4) For purposes of this section, a "law enforcement officer" means a person who is a full-time employee of the state in a position authorized by the laws of this state to carry a firearm and to make arrests for violations of some or all of the laws of this state, or a full-time police officer who has been certified by the peace officer standards and training commission.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2000, the public welfare requiring it.

Rep. McMillan moved adoption of Amendment No. 1 to Amendment No. 2 as follows:

Amendment No. 1 to 2

AMEND Amendment No. 2 by deleting Section 1(a)(3)(A) and by substituting instead the following:

(A) who is consuming beer or an alcoholic beverage or who is under the influence of beer, an alcoholic beverage, or a controlled substance.

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

Rep. Kent moved adoption of Amendment No. 2 to Amendment No. 2 as follows:

Amendment No. 2 to 2

AMEND Amendment No. 2 by adding the following language at the end of subsection (a)(4) of Section 1:

For purposes of this section, a constable shall not be considered a full-time law enforcement officer.

On motion, Amendment No. 2 to Amendment No. 2 was adopted.

Rep. Bunch moved adoption of Amendment No. 3 to Amendment No. 2 as follows:

Amendment No. 3 to 2

AMEND Amendment No. 2 by adding the following language to Section 1(a)(3) as a new, appropriately designated item:

(C) who is attending a judicial proceeding as a party to a civil action or as a defendant in a criminal action.

On motion, Amendment No. 3 to Amendment No. 2 was adopted.

Rep. Todd moved the previous question to Amendment No. 2 as amended, which motion prevailed.

Rep. Buck moved that Amendment No. 2 as amended, be adopted which motion prevailed.

Rep. Buck moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2117 by adding the following as a new subpart to subsection (a)(3) in the amendatory language of SECTION 1 of the bill as amended:

(...) Who carries a firearm inside a school building during regular school hours, unless such officer, where practical, gives notice to a school resource officer or, if no school resource officer is assigned, to the school's administrative or security staff, that such officer will be present in the building and armed.

On motion, Amendment No. 3 was adopted.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Bittle moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 2117**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 91
Noes 1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

***House Joint Resolution No. 743** -- Memorials, Congress - Opposes proposed congressional increase to five years of moratorium on state and local sales and use taxation of electronic commerce. by *Bowers.

Further consideration of House Joint Resolution No. 743 previously considered on today's Calendar at which time the House adopted Amendment(s) No(s). 1.

Rep. Bowers moved that **House Joint Resolution No. 743**, as amended, be adopted, which motion prevailed by the following vote:

Ayes	88
Noes	0
Present and not voting	4

Representatives voting aye were: Armstrong, Arriola, Baird, Bittle, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Hagood, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Beavers, Black, Davis (Washington), Goins -- 4.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Joint Resolution No. 435** -- Naming and Designating - H.R. Lovell, official Tennessee Artist in Residence. by *Jackson.

Senate Amendment No. 1

AMEND House Joint Resolution No. 435 by deleting the date "December 31, 2010" in the second resolving clause and substituting the date "December 31, 2002".

Rep. Jackson moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 435**, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Joint Resolution No. 575** -- General Assembly, Directed Studies - Requests TACIR to study staffing in offices of property assessors. by *Buck.

Senate Amendment No. 1

AMEND House Joint Resolution No. 575 by deleting in their entirety the first two paragraphs of the preamble, and by deleting the following language at the end of the first paragraph of the resolution: "particularly in regard to the provision of minimum staffing contained in Tennessee Code Annotated, Section 67-1-506".

AND FURTHER AMEND by deleting the words "on or before July 15, 2001" at the end of the second paragraph of the resolution.

Rep. Buck moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 575**, which motion prevailed by the following vote:

Ayes.....	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 2123** -- Courts, General Sessions - Directs administrative office of the courts, in consultation with the court clerks' association, sheriffs' association and chiefs of police, to devise and promulgate uniform general sessions court warrant. Amends TCA Title 16, Chapter 15, Part 50. by *Buck. (SB2885 by *Person)

Further consideration of House Bill No. 2123 previously considered on May 22, 2000, at which time it was reset for today's Message Calendar.

Rep. Buck moved that House Bill No. 2123 be reset for the Message Calendar on May 31, 2000, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2169 -- Law Enforcement - Revises formula for allocating proceeds from mandatory minimum fines imposed for drug offenses so that first 40 percent of any fine collected goes to jurisdiction initiating arrest for deposit in its special revenue fund Amends TCA Section 39-17-428. by *Sands. (*SB2114 by *McNally)

Further consideration of House Bill No. 2169 previously considered on May 22, 2000, at which time it was reset for today's Message Calendar.

Senate Amendment No. 1

AMEND House Bill No. 2169 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-428, is amended by deleting subsection (c)(1) in its entirety and substituting instead the following:

(c)(1) Fifty percent (50%) of any fine collected pursuant to subsection (b) shall be allocated in the manner set out in § 39-17-420. The remaining fifty percent (50%) shall be paid to the general fund of the governing body of the law enforcement agency responsible for the investigation and arrest which resulted in the drug conviction; provided, that if a drug task force is responsible for the investigation and arrest, the amount above the minimum fine shall be paid to the general fund of the governing body of one (1) or more counties and cities within the judicial district as directed by the court. Notwithstanding the provisions of § 39-17-420(a)(1) or any other law to the contrary, a portion of any fine collected pursuant to subsection (b) may be expended to fund programs and services for infants and children who are afflicted by HIV or AIDS.

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it and shall apply to any drug offense occurring on or after such date for which a mandatory minimum fine is applicable.

Rep. Sands moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2169**, which motion prevailed by the following vote:

Ayes.....	94
Noes	0
Present and not voting	1

Representatives voting aye were: Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Armstrong -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2516 -- Fireworks - Allows sale of Class C common fireworks by previously licensed retailers and seasonal retailers when county's population grows to over 200,000. Amends TCA Section 68-104-112. by *Hood, *Eckles. (*SB2128 by *Womack)

Further consideration of House Bill No. 2516 previously considered on May 22, 2000, at which time it was reset for today's Message Calendar.

Senate Amendment No. 1

AMEND House Bill No. 2516 By deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 68-104-112, is amended by adding the following sentence at the end of subdivision (a)(4):

If, according to the 1990 federal census, a seasonal retailer as defined by Tennessee Code Annotated, Section 68-104-101(8), is located in a county that has a population of less than two hundred thousand (200,000), and if such county subsequently increases in population to more than two hundred thousand (200,000) according to a subsequent federal census, then such seasonal retailers or their respective assignees and successors, may continue to sell D.O.T. Class C common fireworks at retail.

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Hood moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2516**, which motion prevailed by the following vote:

Ayes.....	93
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2594 -- Election Laws - Enacts "Fair Ballot Access Act of 2000"; requires independent candidate, upon request, to be listed on ballot under name of political party affiliation which is other than state-wide political party whose name does not resemble state-wide party upon certification that candidate was nominated by assembly of that party at least 30 days prior to election. Amends TCA Section 2-5-208, by *Kerr, *Rinks. (*SB2149 by *Burchett, *Cohen)

Further consideration of House Bill No. 2594 previously considered on May 22, 2000, at which time it was reset for today's Message Calendar.

Senate Amendment No. 4

AMEND House Bill No. 2594 by deleting all language after the enactment clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, § 2-5-208 (d) is amended by adding the following new subdivision (2) and by renumbering the subsequent subdivisions accordingly:

(2) In such column for independent candidates, for the November 2000 general election, if the presidential candidate of a party which is not a statewide party received more than five thousand (5,000) votes in Tennessee in the November 1996 presidential election, then in addition to listing the name of a candidate who was nominated by such candidate's political party, the candidate may elect to have the candidate's party name included in the space allocated on the ballot for the candidate along with the name of such candidate. After the November 2000 general election, in order for these provisions to apply, the presidential candidate of a party which is not a statewide party must receive at least two and one-half percent (2½%) of the votes cast in Tennessee in the last presidential election preceding the election in which the candidate seeks to have such candidate's party name included in such space on the ballot. The candidate's nomination shall be certified by the party's chairman or executive committee to the election commissions receiving the nomination petitions. The deadline for such certification shall be the appropriate qualifying deadline for an office. However, for the 2000 elections for congressional and state legislative offices, the deadline for such certification shall be twelve o'clock (12:00) noon, prevailing time on the sixth Thursday prior to the regular August election.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Kerr moved that the House nonconcur in Senate Amendment(s) No(s). 4 to **House Bill No. 2594**, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2779 -- Real Estate Agents and Brokers - Makes changes to renewal and registration requirements for real estate brokers and individuals who sell timeshares Amends TCA Section 62-13-307 and Title 66, Chapter 32. by *Kent. (*SB2806 by *Person)

Further consideration of House Bill No. 2779 previously considered on May 22, 2000, at which time it was reset for today's Message Calendar.

Senate Amendment No. 2

AMEND House Bill No. 2779 is amended by adding the following new sections to be appropriately designated:

Section (____). Tennessee Code Annotated, Title 66, Chapter 32, is amended by adding the following:

All acquisition agents and their representatives, as defined in Tennessee Code Annotated, Section 66-32-102, shall register with the commission and furnish such information as provided by commission regulation. The application for registration shall be accompanied by a twenty-five dollar (\$25.00) registration fee. The commission shall have the authority to assess civil penalties, or to suspend or revoke the registration of an acquisition agent, for any activity or conduct in violation of Tennessee Code Annotated, Section 62-13-312, or Tennessee Code Annotated, Section 66-32-121. The commission shall also have the authority to promulgate rules and guidelines for the training and conduct of acquisition agents.

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Rep. Kent moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 2779**, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 2783 -- Sexual Offenses - Revises certain provisions of the Sexual Offender Registration and Monitoring Act. Amends TCA Title 40, Chapter 39. by *Turner (Hamilton), *Sargent, *Stulce. (*SB2662 by *Crowe)

Senate Amendment No. 1

AMEND House Bill No. 2783 by deleting the word "registration" from the first sentence of the first new subsection added by the amendatory language of SECTION 5 and substituting instead the word "monitoring".

FURTHER AMEND by deleting the word "registration" from the second sentence of the first new subsection added by the amendatory language of SECTION 5 and substituting instead the word "monitoring".

Rep. Turner (Hamilton) moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2783**, which motion prevailed by the following vote:

Ayes 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 3163** -- Custody and Support - Adds three items to parental bill of rights for divorce order: 48 hours notice of certain extra-curricular activities; itinerary and telephone number for emergencies for out-of-state trips over two days; and reasonable, non-interfering access to child for lunch and other activities. Amends TCA Title 36, Chapter 6, Part 1. by *Maddox. (SB3247 by *Herron, *Miller J)

Senate Amendment No. 1

AMEND House Bill No. 3163 by deleting the amendatory language of Section 1(l) and by substituting instead the following:

(l) The right of access and participation in education, including the right of access to the minor child or children for lunch and other activities, on the same basis that is provided to all parents, provided the participation or access is reasonable and does not interfere with day-to-day operations or with the child's educational performance.

Rep. Maddox moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3163**, which motion prevailed by the following vote:

Ayes 93
Noes 0

WEDNESDAY, MAY 24, 2000 – EIGHTY-FIRST LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILL RE-REFERRED

Rep. S. Jones moved that House Bill(s) No(s). 1083 and 2488 be re-referred to the House Finance, Ways and Means Committee, which motion prevailed.

BILL RECALL

Rep. Rinks requested that House Bill No. 2891 be recalled from the Governor's Desk, which motion prevailed.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 25, 2000:

House Bill No. 1512: by Rep. Patton

House Bill No. 2759: by Rep. Robinson

Senate Bill No. 2320: by Rep. Jackson

House Bill No. 2452: by Rep. Davis (Washington)

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 31, 2000:

House Bill No. 3118: by Rep. Fowlkes

MOTION TO OVERRIDE VETO

House Bill No. 2659 -- Campaigns - Decreases time a multicandidate political campaign committee other than committee controlled by political party shall make contribution to any candidate from ten days before election to 14 days before election. Amends TCA Title 2, Chapter 10. by *McMillan. (*SB2697 by *Cooper)

Rep. McMillan moved that **House Bill No. 2659** be passed on third and final consideration notwithstanding the objections of the Governor, which motion prevailed by the following vote:

Ayes 56
Noes 37

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Hood, Jackson, Jones S., Jones U., Kernell, Kisber, Langster, Maddox, McDonald, McMillan, Miller, Phelan, Phillips, Pinion, Pruitt, Ridgeway, Rinks, Robinson, Sands, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 56.

Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Bunch, Buttry, Cole (Carter), Davis (Cocke), Davis (Washington), Dunn, Ford, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Kent, Kerr, McAfee, McCord, McDaniel, McKee, Montgomery, Mumpower, Pleasant, Roach, Sargent, Scroggs, Todd, Walker, Walley, Westmoreland, Whitson, Wood -- 37.

A motion to reconsider was tabled.

ANNOUNCEMENTS

RULES SUSPENDED

Rep. Davidson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 783 out of order, which motion prevailed.

House Joint Resolution No. 783 -- Memorials, Retirement - Jerome P. Ellis. by *Davidson, *Hood.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Davidson, the resolution was adopted.

A motion to reconsider was tabled.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 489: Rep(s). Whitson, Brooks, Fitzhugh, Chumney and Davidson as prime sponsor(s).

House Bill No. 2379: Rep(s). Eckles and Curtiss as prime sponsor(s).

House Bill No. 2595: Rep(s). Garrett, Tidwell and Davidson as prime sponsor(s).

House Bill No. 2874: Rep(s). Bowers, Chumney, Towns, Cooper and Kernell as prime sponsor(s).

House Bill No. 3307: Rep(s). Cole (Dyer) as prime sponsor(s).

MESSAGE FROM THE GOVERNOR

May 24, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 643, 691, 1022, 1189, 1370, 1559, 1601, 2160, 2182, 2311, 2332, 2449, 2529, 2546, 2684, 2772, 2766, 2842, 3064, 3250, 3310, 3315, 3317, 3322, 3326, 3330, 3331; also, House Joint Resolution(s) No(s). 707; with his approval.

MICHELLE LONG, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 24, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 857, 862, 864 and 869; for the signature of the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

SIGNED

May 24, 2000

The Speaker signed the following: Senate Joint Resolution(s) No(s). 857, 862, 864 and 869.

MESSAGE FROM THE GOVERNOR

May 24, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2891, per your request.

MICHELLE LONG, Counsel to the Governor.

ENGROSSED BILLS

May 24, 2000

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2117, 2296, 2984, 3025, 3343, also, House Joint Resolution(s) No(s). 743, 763, 764, 765, 766, 767, 769, 770, 771 and 783.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 92

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 9:00 a.m., Thursday, May 25, 2000.